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PAGE 01

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SUBJECT: PUBLIC AFFAIRS GUIDANCE 87-67: ERMACORA REPORT ON
HUMAN RIGHTS IN AFGHANISTAN

ORIGIN OFFICE PG-05

INFO AOC-01 D70-02 PF-02 VG-01 M3SC-05 PA-01 PFW-01 OIS-01
AID-18 JCS-01 NSA-03 NSC-05 PD-02 AF-05 AR-03 EA-03
NEA-03 M-01 P-01 POS-03 PDC-04 PDC-03 PDF-03 PDP-03
PM-07 R-01 POF-01 ECLR-02 AC-01 PL-01 EU-03 GC-02
PP-01 E-03 IO-01 TV-03 PPM-01 OS-01 WOME-01 NEAA-01
TVP-04 TVF-04 T 04 TVS-05 HP-04 VBR-01 VBC-01 VBM-01
VBE-01 VBF-01 VBL-01 VBH-01 VBU-02 VOA-02 USUN-01 DDC-15
C-01 VM-05 SECO-02 J3-02 PE-02 SSO-01 OSO-01 CIA-05
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A COPY OF THE ERMACORA REPORT ON HUMAN RIGHTS IN AFGHANISTAN IS BEING FORWARDED TO POST FOR INFORMATION AND APPROPRIATE USE. THE REPORT WILL BE DEBATED IN THE 3RD COMMITTEE OF THE UNGA LATER THIS MONTH. THIS REPORT IS THE THIRD SUBMITTED ANNUALLY TO THE UNGA SINCE DR. ERMACORA WAS APPOINTED AS SPECIAL RAPPORTEUR IN 1984.

AN ANALYSIS OF THIS YEAR'S REPORT SUGGESTS THAT IT IS SOMEWHAT LESS SEVERELY CRITICAL OF THE SOVIET UNION AND THE KABUL REGIME THAN WAS THE 1986 REPORT (E.G. ERMACORA NOTES "SOME IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION," AN ASSESSMENT THAT THE USG AND OTHER HUMAN RIGHTS GROUPS WOULD DISPUTE).

NEVERTHELESS, THE OVERALL THRUST OF THE REPORT REMAINS SHARPLY CRITICAL OF THE HUMAN RIGHTS SITUATION IN AFGHANISTAN. KEY POINTS FOR POST EMPHASIS ARE:

-- THE PRESENCE OF SOVIET TROOPS CONTINUES TO CONSTITUTE THE MAIN OBSTACLE TO AFGHAN SELF-DETERMINATION, RETURN OF THE REFUGEES AND A STABLE HUMAN RIGHTS SITUATION (PP. 7-8, 29).

-- REGARDLESS OF THE LEGALITY OR OTHERWISE OF THE PRESENCE OF SOVIET TROOPS IN AFGHANISTAN, THE FACT REMAINS THAT THEIR PRESENCE IS THE MAIN REASON FOR THE INTENSITY OF THE ARMED CONFLICT AND THE EXISTENCE OF 3.5 MILLION REFUGEES WHO IS UNDEVELOPED TO THE FREE EXERCISE OF THE RIGHT TO SELF-DETERMINATION (P. 28).

-- THE ARMED CONFLICT - THE OTHER FACET OF THE HUMAN
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PAGE 01

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INFO ACC-01 DSO-02 PF-02 VG-01 HASC-05 PA-01 PFN-01 DIS-01
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RIGHTS SITUATION IN AFGHANISTAN - IS STILL GOING ON AND CAUSES DEATH AND MATERIAL DESTRUCTION. IT LEADS TO BRUTALITIES AND TO TREATMENT OF PRISONERS WHICH IS REPORTEDLY NOT IN CONFORMITY WITH HUMANITARIAN LAW... A NEW FEATURE IN THE CONFLICT IS THE INCREASE IN ACTS OF TERRORISM AGAINST AFGHANS INSIDE AND OUTSIDE AFGHANISTAN (P. 28).

-- THE NABUL REGIME'S POLICY OF "NATIONAL RECONCILIATION" IS QUESTIONED AND REJECTED BY POLITICAL LEADERS AND SPOKESMEN FOR THE REFUGEE POPULATION IN PAKISTAN. THEY MAINTAIN THAT THIS POLICY LACKS CREDIBILITY BECAUSE IT IS ADVANCED BY A REGIME WHICH HAS VIOLATED HUMAN RIGHTS ON A LARGE SCALE IN THE PAST AND THAT, IN ANY EVENT, IT CANNOT BE ACCEPTED AS A SERIOUS STATEMENT OF POLICY SO LONG AS SOVIET TROOPS HAVE NOT WITHDRAWN FROM AFGHANISTAN (P. 27).

-- THE REPORT CITES AMNESTY INTERNATIONAL'S LATEST REPORT WHICH REFERS TO TORTURE OF PRISONERS AND REFERS TO SIMILAR REPORTS BY "PRIVATE ORGANIZATIONS" (P. 18). THE REPORT ALSO CALLS FOR FULL ACCESS TO PRISONERS BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS, A PROMISE MADE BY THE DRA ON WHICH IT HAS RENEGED.

-- THE REPORT NOTES THAT THE NEW DRAFT CONSTITUTION DOES NOT CONTAIN ANY REAL SAFEGUARDS FOR THE EFFECTIVE REALIZATION OF THE FULL RANGE OF HUMAN RIGHTS AND THE SPECIAL COURTS AND SPECIAL PROSECUTOR ESTABLISHED UNDER REVOLUTIONARY DECREES CAN STILL BE "LEGALLY" MAINTAINED. THERE ARE NO PROVISIONS FOR APPEAL TO AN INDEPENDENT AUTHORITY AGAINST ARBITRARY DETENTION, AND THE LODA JIRGA ENLARGED IN THE DRAFT CONSTITUTION APPEAR TO LACK THE UNIVERSALITY THAT IS PART OF ITS VERY ESSENCE (P. 28).

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